IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION (Lodg) NO.319 OF 2006

Union of India acting through Divisional
Railway Manager (Works) Central Railway ...Petitioner

vs.

M/s.Saloja & Sons. ...Respondent

Mr.Sureshkumar, for Petitioner.

Ms.Shilpa Kapil, for Respondent.

CORAM: D.K.DESHMUKH, J.

DATED: 27th November,2006..

P.C.:-

1. By the Award impugned in the petition only two claims have been allowed by the Arbitral Tribunal, one claim is of Rs.53,880/- and the other claim is Rs.29,636/-. So far as the second claim is concerned, it is a money of the respondent itself which was in deposit with the petitioner which has been directed to be reduced. Though, no doubt there is substance in the submission made by the learned Counsel for petitioner that the learned Arbitrator should have actually worked out as to how much deduction should have been made for the

defects in the work because the work is admittedly defective, but in my opinion, considering that the only amount of Rs.83,516/- was directed to be paid and the conclusion reached by the learned Arbitrator is a possible conclusion, in my opinion, the petition cannot be entertained. It is disposed of.